IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 6973 of 2007(E)

PETITIONER:

PAREEKADAVATH HAMZA,
S/O.KOYAMU HAJI, PANDARAM KADAPPURAM,
CHAPPADI, TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:
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1. KUTTIKADAN VEETTIL HAMZA @ HAMZA KOYA,
S/O.MOIDUNNI, PANDARAKADAPPURAM, CHAPPADI,
TANUR, MALAPPURAM DISTRICT.

2. THE CIRCLE INSPECTOR OF POLICE,
TANUR, MALAPPURAM DISTRICT.

R2 BY G.P. SHRI P.A. SALIM
R1 BY ADV. SRI.K.P.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE PLAINT IN OS 186/2006 OF THE MUNSIFF'S COURT, PARAPPANANGADI

EXT.P2-TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE FIRST RESPONDENT IN OS DO. DO.

EXT.P3-TRUE COPY OF THE COMMISSION REPORT

EXT.P4-TRUE COPY OF THE PETITION FILED BEFORE R2

EXT.P5-TRUE COPY OF THE RECEIPT

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.6973 of 2007-E

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Dated this the 20th day of March, 2007

JUDGMENT

Koshy, J.

Petitioner wants police protection for construction of a compound wall on the western side of his house abutting Tippusulthan Road, without any hindrance from first respondent or his men. It is submitted that a suit for injunction was filed with regard to the southern boundary and even though he obtained an interim order, that was subsequently vacated. It is further submitted by the first respondent that title itself is disputed.

2. In a petition under Article 226 of the Constitution of India, this court cannot decide any dispute regarding title, possession, etc. It is for the parties to approach the concerned civil court and get appropriate orders. Without prejudice to the right of the petitioner in approaching the civil court, this writ petition is dismissed.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)